

MURRAY CITY POLICE DEPARTMENT



CHECK INVESTIGATION PACKET
CRIMINAL ACTION

August 15, 2001

Dear Merchant:

The following guidelines have been established by the Murray City Police Department and the Murray City Attorney's Office to help investigate and prosecute writers of bad checks and forgeries.

The Police Department will investigate cases in which a bad check, in excess of \$300.00, or a forgery has been written. If you have a bad check for less than \$300.01 you may proceed with a civil action against the writer by following the steps outlined by Utah Code Title 7 Section 15, but the Police Department will not be inclined to take criminal action against the writer unless there are other aggravating circumstances. A copy of this statute regarding civil action is included in the enclosed materials. You should consult your legal counsel to advise you about civil actions. For your information we have included in this packet a sample "Notice" (see "Attachment A") which is used to inform the check writer of your intention to file a civil action; a sample "Affidavit of Delivery of Notice" (see "Attachment B") which should be filled out and notarized after sending notice to the writer; and a sample "Affidavit of Claimant" (See Attachment C") which is used in a forgery complaint and is to be completed by the person whose account or check was used without their knowledge. These materials should accompany your "Complaint" when filing a civil action. Also attached is a copy of the Murray Justice Court Small Claims Judgement, information on how to collect a small claims Judgment, the Murray Justice Court small claims court fee schedule and tips to safeguard against forgery and bad checks. In order to file a claim in small claims court you must contact the court in person and fill out an Affidavit and Order. A date is set for court appearance based on service of the Affidavit. The court address is 688 E Vine St. Murray, Ut. 84107. The Phone number is 284-4280.

For forgeries or bad checks in excess of \$300.00, you may file a civil action in a similar manner as described in the above mentioned paragraph. In addition to filing a civil action, you may request criminal charges be brought against the writer. If you wish to file criminal charges with the City of Murray, the following steps must be completed.

Step 1. Complete with as much detail as possible the Murray Police Department Criminal Action Packet.

Step 2. Contact the Police Department to have the report filed. In order to file a report you must include the Criminal Action Packet, the original bad check or credit card sales draft, and any invoices or documentation pertaining to the purchase.

The Police will then begin investigation and take appropriate action. Criminal prosecution will be considered by the city as follows:

- A. Checks individually or in aggregate by the same person which range between \$300.01 and \$1000.00: Class A Misdemeanor
- B. Checks, individually or in aggregate by the same person of \$1,000.00 or more will be screened with the District Attorney's Office.

Credit card fraud is handled in a similar fashion. Follow steps 1 and 2 above. Credit card forgery is a 3rd degree felony and will be screened with the District Attorney's Office.

If you have any questions regarding these procedures, please contact the Murray City Police Department.

Sincerely,

Kenneth Killian
Chief of Police
Murray City Police Department

Frank Nakamura
Murray City Attorney

Murray City Police Department

Criminal Action Packet

Police Report Form

Official Statement

Affidavit of Delivery of Notice of Non-Payment

Please enclosed original documents(ie. Checks, drafts, sales slips, video surveillance tape, etc.)

____ Forgery

Murray Police Case # _____

____ Bad Check/Credit Card

Initial Officer _____

**MURRAY CITY POLICE DEPARTMENT
FORGERY/BAD CHECK REPORT**

The information listed below is what the Police Department needs to find and/or file charges against suspects in forgery or bad check cases. Please complete this form in as much detail as possible and give to the Patrol Officer who takes the initial report.

Occurred on _____ at _____ hours.
(Date) (Time)

1. **Business** _____ Store # _____
Address _____ Phone# _____

(City, State, Zip Code)

2. **Complainant** (person that called the police)

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

3. **Witness** (clerk or salesperson that accepted the check or credit card)

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

4. **Additional Witness** (continue on additional paper if necessary)

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

5. **Victim** (person(s) that have incurred a monetary loss)

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

6. **Victim** (person whose identity was used by the suspect without their permission)

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

7. **Owner of Check, Card or Document**

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

8. **Bank Information** (Bank from which the check or credit card was issued)

Name _____ Phone # _____
Address _____ Acct. # _____
_____ (City, State, Zip Code)

Contact Person _____ Phone # _____

9. **Suspect Information**

Name _____ Date of Birth _____
Address _____ Home Phone # _____
_____ Work Phone # _____
(City, State, Zip Code)

Physical Description: Ht. _____ Wt. _____ Hair Color _____ Eye Color _____

Clothing Description _____

Vehicle Description _____

License Plate # _____ State _____

Identification Used:

Drivers Licence # _____ State _____

Identification Card # _____ State _____

Additional information about the suspect (Hair style, Scars, Marks, Tatoos, Speech ect.)

TO MEET THE CRITERIA FOR PROSECUTION, IT IS MANDATORY THAT THE FOLLOWING FIELDS BE COMPLETED.

- 1) Did the clerk verify the picture Identification to the person passing the check/card? _____
- 2) Has the owner of the check/card been contacted (unless counterfeit check was used)? _____
- 3) Name of person who wrote the I.D. information on the check. _____
- 4) Can the clerk/salesperson that accepted the check/card identify the suspect if seen again? _____
- 5) Witnesses must fill out and sign Murray City Police Official Statement.
- 6) All **Original** checks, credit card drafts, sales receipts, witness statements or other documents pertaining to the incident **must** be submitted with this packet.
- 7) For Bad Check Cases ie. insufficient funds and checks written on closed accounts.
 - A) Has a registered letter for Notice of Non-Payment been mailed to the suspect with a request for return receipt? _____
 - (i) Date registered letter was mailed. _____ Return receipt date. _____
 - B) Has an Affidavit of Delivery of Notice of Non-Payment been filled out? _____
- 8) **Signature of witnesses** who can testify as to the identification of the suspect.

Name _____	Date _____
Name _____	Date _____
Name _____	Date _____

If you have any questions, please feel free to call the Murray Police Department Detective Division 264-2674.

Murray City Police Department

Official Statement

You are being asked to give a written statement regarding the incident investigated under case number _____ which is being investigated as a (n) _____.

You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor.

I have read and understand the above warning and freely give the following statement:

Name: _____ Date of Birth: _____ Age: _____

Address: _____ City: _____ State: _____

Home Phone: _____ Work Phone: _____ Other Phone: _____

[illegible]

Signature

Date _____

Witnessed by:

Officer / Detective

Date _____

**AFFIDAVIT OF DELIVERY
OF NOTICE OF NON-PAYMENT**

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

BEFORE ME, a notary public, in and for the county and state mentioned above,
_____ being first duly sworn on oath, makes a solemn

oath that:

I HEREBY CERTIFY that on the _____ day of _____, 20____, I
delivered via registered mail a Notice of Non-Payment to:

(Name)

(Address)

DATED this _____ day of _____, 20_____.

Signed by: _____
Address: _____

Telephone: _____

SUBSCRIBED AND SWORN to before me this the _____ day of _____,
20 ____.

(SEAL)

NOTARY PUBLIC
Residing in Salt Lake County, Utah